

PATENT MAINTENANCE  
DIVISION

2006 APR 18 PM 1:12

US PATENT & TRADEMARK  
OFFICE

April 18, 2006

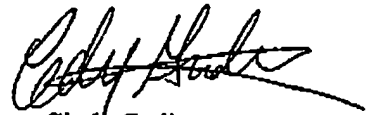
Reg. Acct. 022666

To: Refund Dept.

On our January deposit account statement there is a charge that does not belong to account number 022666. Therefore we are requesting refund in the amount of \$1,500. If you have any questions please contact me at 310-207-3800. Thank you

~~09,990,419~~

09,940,419



Cindy Gudino



7 DAE  
21W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy BATEMAN et al.

Serial No. 09/940,419

Art Unit: 3743

Filed: August 29, 2001

Examiner: Mitchell, Teena Kay

For: PATIENT VENTILATION  
DEVICES

Atty Docket: 0100/0134

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 C.F.R. § 1.137(a);  
or, in the alternative,  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Applicant petitions for the revival of the above-identified application.
2. The instant application became abandoned on July 26, 2005, subsequent to the six month statutory period to respond to the office action dated January 26, 2005. An office communication from the PTO dated September 21, 2005 notes that the above-identified application became abandoned due to applicant's failure to timely file a proper reply to the office action of January 26, 2005, as no reply has been received.
3. A Rule 116 amendment, copy attached herewith, in fact was filed on April 11, 2005 in response to the January 26, 2005 Office Action. The responsive amendment was filed by fax to the official fax server number of the U.S. PTO for receiving responsive amendments. A copy of the "Auto-Reply Facsimile Transmission" evidencing that the

09/29/2005 SZENDIE1 00000095 500501 09940419  
01 FC:1453 1500.00 DA

Adjustment Date: 05/19/2006 SDIRETA1  
01/04/2006 CKHLOK 00000005 022666 09940419  
01 FC:1453 1500.00 CR

Adjustment date: 12/22/2005  
09/29/2005 SZENDIE1 00000095 500501  
01 FC:1453 1500.00 DA  
12/22/2005 ANELLEY 00000022 500501  
01 FC:1452 500.00 DA

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: _____		2 Serial/Patent # _____		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/>	Petition	1FW	9/28/05	\$ 1500
	Issue			\$
	Cert. of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$1500
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
	Overpayment	<input checked="" type="checkbox"/> Credit Deposit A/C #:		
	Duplicate Payment	50--0501		
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
Pet. grt. under 1.737(c)				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>ARMSTRONG</u>		TITLE: <u>Att'y</u>		
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OFFICE: <u>SP</u>				
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APPROVED: <u>[Signature]</u>		DATE: <u>12/22/05</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B

PATENT MAINTENANCE  
DIVISION

# **BLAKELY SOKOLOFF TAYLOR**

2006 APR 18 PM 1:12  
**& ZAFMAN LLP**

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## **FACSIMILE TRANSMITTAL SHEET**

**Deliver To:** Refund Dept.  
**Company:** United States Patent and Trademark Office  
**Fax Number::** 571-273-6500  
**From:** Cindy Gudino  
**Date:** April 18, 2006  
**Number of Pages:** 3 (Including Cover Sheet)  
**Reference:**

Account # 022666

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# Deposit Account Statement

Deposit Account		Month
ID: 022886	Current Balance: 175,987.35	January 2006
Holder: BLAKELY SICKCLOFF TAYLOR & ZIMMAN LLP		

Date Posted	Seq. No.	Description	Docket No.	Fee Code	Amount
01-03-2006	2	10272060	8618P3575	1202	300.00
01-03-2006	81	11260005		9204	-500.00
01-04-2006	13	09940419	0100/0134	1453	1,500.00
01-04-2006	148	11315834	42P22693	8021	40.00
01-04-2006	104	09746487	42390.P8934	1253	1,020.00
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01-04-2006	231	11273953	6639P104	8021	40.00
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01-04-2006	348	78400137	008880.T008USA18	7004	150.00
01-04-2006	590	78784278	008880.T009	7001	325.00
01-04-2006	605	78784287	008880.T010	7001	325.00
01-04-2006	736	2318542	4138.T038USA17B	7205	100.00

Opening Balance	Closing Balance
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